REMARKS

Claims 1-23 are currently pending in the subject application and are presently under consideration. A version of the claims is found at pages 2-5. Claims 1, 2, 12 and 20 have been amended herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-23 Under 37 CFR 1.321(c)

Claims 1-23 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,741,237. Withdrawal of this rejection is respectfully requested in view of the Terminal Disclaimer attached concurrently herewith.

II. Rejection of Claims 1-23 Under 35 U.S.C. §102(e)

Claims 1-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wood *et al.* (US 6,335,723). Withdrawal of this rejection is respectfully requested for at least the following reasons. Wood *et al.* fails to disclose all limitations set forth in applicant's claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989): (emphasis added).

The claimed invention relates to a touch screen system that employs acoustic wave transducers to determine when a substrate surface has been perturbed. In particular, independent claims 1, 12 and 20 recite similar limitations, namely *at least a first acoustic wave transducer that is fixed to a perimeter of the substrate surface and transmits a first acoustic wave across the substrate surface.* Wood *et al.* is silent regarding such novel features of the subject claims.

Rather, Wood *et al.* relates to a transmitter pen location system wherein the location of the tip of the moveable transmitter pen is determined in relation to a writing area of a surface.

The pen outputs electromagnetic wave transmissions and ultrasonic wave transmissions to multiple external receivers associated with the writing surface. The location of the pen is determined based on the time span between the arrival of a first transmission and a second transmission at the two or more external receivers. Nowhere does the reference show that acoustic waves are emitted from a fixed point associated with the substrate surface. Rather, the cited reference is limited to emitting waves from *a moveable transmitter device* (*i.e.* the transmitter pen, *See* col. 6, lines 44-46) and is silent with respect to transmitting an acoustic wave from *an acoustic wave transducer* ***that is fixed to a perimeter of a substrate surface*** as in the claimed invention.

In view of at least the foregoing, it is readily apparent that Wood *et al.* fails to teach the identical invention in as complete detail as is contained in the subject claims. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP234USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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